

1. Petitioner (name of each person claiming an interest):
requests a determination that the real property ☐ and personal property described in item 11 is property passing to petitioner and that no administration of decedent's estate is necessary.
2. Decedent (name):
 - a. Date of death:
 - b. Place of death (city, state):
3. At least 40 days have elapsed since the date of decedent's death.
4. a. ☐ Decedent was a resident of this county at the time of death.
b. ☐ Decedent was **not** a resident of California at the time of death. Decedent died owning property in this county.
5. Decedent died ☐ intestate ☐ testate and a copy of the will and any codicil is affixed as Attachment 5 or 12a.
6. a. ☐ No proceeding for the administration of decedent's estate is being conducted or has been conducted in California.
b. ☐ Decedent's personal representative's consent to use the procedure provided by Probate Code section 13150 et seq. is attached as Attachment 6b.
7. Proceedings for the administration of decedent's estate in another jurisdiction
 - a. ☐ have **not** been commenced.
 - b. ☐ have been commenced ☐ and completed.
(Specify state, county, court, and case number):
8. The **gross value** of all real and personal property in decedent's estate located in California as shown by the *Inventory and Appraisal* attached to this petition, excluding the property described in Probate Code section 13050 (joint tenancy, property passing to decedent's spouse, etc.), does not exceed \$100,000. (Attach an Inventory and Appraisal (form DE-160) as Attachment 8.)
9. a. The decedent is survived by (check at least one box in each of items (1)-(3))
 - (1) ☐ spouse ☐ no spouse as follows: ☐ divorced or never married ☐ spouse deceased
 - (2) ☐ child as follows: ☐ natural or adopted ☐ natural adopted by a third party ☐ no child
 - (3) ☐ issue of a predeceased child ☐ no issue of a predeceased child
b. Decedent ☐ is ☐ is not survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier. (See Prob. Code, § 6454.)
10. (Complete if decedent was survived by (1) a spouse but no issue (only a or b apply); or (2) no spouse or issue. Check the **first** box that applies.)
 - a. ☐ Decedent is survived by a parent or parents who are listed in item 14.
 - b. ☐ Decedent is survived by a brother, sister, or issue of a deceased brother or sister, all of whom are listed in item 14.
 - c. ☐ Decedent is survived by other heirs under Probate Code section 6400 et seq., all of whom also listed in item 14.
 - d. ☐ Decedent is survived by no known next of kin.
11. Attachment 11 contains (1) the **legal description** of decedent's real property and its Assessor's Parcel Number (APN) ☐ and personal property in California passing to petitioner and (2) decedent's interest in the property. (Attach the legal description of the real and personal property and state decedent's interest.)

Form Approved by the
Judicial Council of California
DE-310 [Rev. January 1, 1998]

Probate Code, § 13151

| | |
|---|--|
| MATTER OF (Name): <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%; margin-top: 5px;"></div> | CASE NUMBER: <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%; margin-top: 5px;"></div> |
| DECEDENT | |

12. Each petitioner is a successor of decedent (as defined in Probate Code section 13006) and a successor to decedent's interest in the real property ☐ and personal property described in item 11 because each petitioner is
- a. ☐ **(will)** a beneficiary who succeeded to the property under decedent's will.¹
- b. ☐ **(no will)** a person who succeeded to the property under Probate Code sections 6401 and 6402.
13. The specific property interest claimed by each petitioner in the real property ☐ and personal property described in item 11 ☐ is stated in Attachment 13 ☐ is as follows (*specify*):
14. The names, relationships, ages, and residence or mailing addresses so far as known to or reasonably ascertainable by petitioner of (1) all persons named or checked in items 1, 9, and 10, (2) all other heirs of decedent, and (3) all devisees of decedent (persons designated in the will to receive any property) ☐ are listed below ☐ are listed in Attachment 14.

Name and relationship

Age

Residence or mailing address

15. The names and addresses of all persons named as executors in decedent's will ☐ are listed below ☐ are listed in Attachment 15 ☐ none named ☐ no will.
16. ☐ Petitioner is the trustee of a trust that is a devisee under decedent's will. The names and addresses of all persons interested in the trust, as determined in cases of future interests under paragraphs (1), (2), or (3) of subdivision (a) of Probate Code section 15804 are listed in Attachment 16.
17. ☐ Decedent's estate was under a ☐ guardianship ☐ conservatorship at decedent's death. The names and addresses of all persons serving as guardian or conservator ☐ are listed below ☐ are listed in Attachment 17.

18. Number of pages attached: _____

Date:

* (Signature of all petitioners also required (Prob. Code, § 1020).)



(SIGNATURE OF ATTORNEY *)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



.....
(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER²)



.....
(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER²)

¹ See Probate Code section 13152(c) for the requirement that a copy of the will be attached in certain instances. If required, include as Attachment 5 or 12a.

² Each person named in item 1 must sign.